

SENATE BILL 1712
By Person, Curtis

AN ACT to amend Tennessee Code Annotated, Title 63,
relative to health care providers.

WHEREAS, it is the intent of the General Assembly in enacting this act to promote, preserve, and protect the public health, safety, and welfare by insuring the availability of certain minimum information concerning the licensure of individuals who provide health care services to consumers in this state; and

WHEREAS, nothing shall prohibit a licensed health care provider from displaying on his person professional credentials or identification utilizing professional licensure terms or terminology as provided for within the laws, rules, or regulations which govern the licensure of such health care providers, now, therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding Sections 2 through 8 as a new chapter.

SECTION 2. As used in this act, unless the context otherwise requires, "Advertise" includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person in a sign or marking in, or on any building or in any newspaper, magazine, directory, or other printed matter designed to attract public attention to the practice of a health care provider who is licensed to practice in Tennessee. "Advertise" also includes business solicitations communicated by individuals, radio, video, internet, or television broadcasting or any other means designated to secure public attention.

SECTION 3. Notwithstanding SECTION 4 of this act, it is an offense for any person or for any business entity, its employees, agents or representatives, who are not licensed pursuant to Title 63, Chapters 6 and 9, to advertise or use in connection with such person's or entity's

name, or the name or activity of the business the words "physician" or "osteopathic physician" or the letters, "MD" or "DO" or any other words, abbreviations or insignia indicating or implying directly or indirectly that health care services are provided by a medical provider.

SECTION 4. Providers licensed pursuant to Title 63, Chapters 3 and 4, may advertise or use the term "physician" but only when used in conjunction with the terms "podiatric physician" or "chiropractic physician," respectively. Providers licensed pursuant to Title 63, Chapters 3 and 4 may not use the letters, "MD" or "DO."

SECTION 5. It is an offense for any health care provider to advertise as a "physician" unless that person is licensed pursuant to Title 63, Chapter 6 or 9.

SECTION 6. Nothing in this chapter shall be construed as restricting a person licensed or certified under any other law of this state from engaging in the profession or practice for which the person is licensed or certified, provided, however, that the person does not claim or advertise to be a physician.

SECTION 7.

(a) The board of medical examiners may authorize an investigation of any person to the extent necessary to determine if the person is in violation of this act and has the authority to issue civil penalties pursuant to § 63-1-134 against any such person found guilty of its violation.

(b) The board of medical examiners may, through the office of the attorney general and reporter, apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing an act in violation of this section.

SECTION 8. Any person violating the provisions of this act commits a Class B misdemeanor for each violation.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

